

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42404 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- LADANIA District- Madhubani

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VIJAY KUMAR SAHU @ VIJAY SAH S/O RAM PRIT SAHU @
RAMPRIT SAHU R/O Village- Korahiya, P.S- Jaynagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Ladaniya P.S. Case No.271 of 2022 registered for the offence
under Sections 394 and 411 of the Indian Penal Code and
Section 25(1-b)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 20.03.2023.

4. The allegation against the petitioner is to
commit robbery, along with other named co-accused persons
and while committing so, looted cash of Rs.1,00,000/-, belong
to the informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner not apprehended on spot and



his name surfaced in present case, on the basis of disclosure made by apprehended co-accused persons, namely, Harish Chandra Rai and Subhash Kumar Paswan and in furtherance of which, no incriminating material recovered, during course of investigation, as to connect this petitioner, *prima facie*, with present occurrence of robbery. It is submitted that petitioner was not put on TIP, as yet. It is also pointed out by learned counsel that one of the reason for implication of this petitioner with present occurrence of robbery is his criminal antecedents, where suspicion arises out of his criminal antecedents, as he found involved in 14 more criminal cases, where, he is on bail in 10 cases. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as save and except suspicion arises out of disclosure made by apprehended co-accused persons, nothing incriminating surfaced/recovered against this petitioner, during course of investigation, as to connect him, *prima facie*, with



present occurrence of robbery coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 20.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Ladaniya P.S. Case No.271 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i)That petitioner shall not indulged in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(iii) That one of the bailors of the
petitioner shall be deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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